

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.: 2005-0201-PWS-E TCEQ ID: RN101441764 CASE NO.: 24392****RESPONDENT NAME: TRUDY J. GILLEM DBA COUNTRY VILLA MOBILE HOME PARK**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> North side of Highway 202, approximately 3 miles east of Beeville, Beeville County</p> <p><b>TYPE OF OPERATION:</b> Mobile home park</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> TCEQ Attorney: Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012 TCEQ Regional Contact: Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14, (361) 825-3111 Respondent: Ms. Trudy Gillem, Owner, Country Villa Mobile Home Park, P.O. Box 4144, Beeville, Texas, 78104 Respondent's Attorney: Not represented by counsel.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> October 4, 2004</p> <p><b>Date of NOE Relating to this Case:</b> October 26, 2004</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on June 23, 2005. The Respondent filed an answer to the EDPRP on July 12, 2005. The case was referred to SOAH. Settlement was achieved and a signed Agreed Order with initial payment was received on March 7, 2008.</p> <p><b>PWS</b></p> <p>1. Failed to operate the system under the direct supervision of a competent water works operator holding a Grade "D" or higher operator's license [30 TEX. ADMIN. CODE § 290.46(e) and TCEQ Agreed Order 2000-0422-PWS-E, Ordering Provision 2.a.].</p> <p>2. Failed to provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii) and TCEQ Agreed Order 2000-0422-PWS-E, Ordering Provision 2.g.].</p> <p>3. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TCEQ Agreed Order 2000-0422-PWS-E, Ordering Provision 2.g.].</p> <p>4. Failed to provide a flow meter on the well pump discharge line [30 TEX. ADMIN. CODE § 290.41(c)(3)(N) and TCEQ Agreed Order 2000-0422-PWS-E, Ordering Provision 2.b.ii.].</p>	<p><b>Total Assessed:</b> \$3,906</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$126 / \$3,708</p> <p>The Respondent has paid \$126 of the administrative penalty. The remaining amount of \$3,708 shall be payable in 35 monthly payments of one hundred four dollars \$108 each.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> Indifference to legal duty due to violation of previous Agreed Order.</p>	<p><b>Technical Requirements</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <ul style="list-style-type: none"> <li>a. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator;</li> <li>b. Commence conducting and recording the results of disinfectant residual tests taken at representative locations in the distribution system using a test kit which employs a DPD indicator;</li> <li>c. Provide a flow meter for the well pump discharge line;</li> <li>d. Submit payment for all outstanding fees and for the outstanding balance of Administrative Agreed Order, Docket No. 2000-0422-PWS-E;</li> <li>e. Begin maintaining a record of operations for the water system and records of disinfectant residual monitoring results;</li> <li>f. Commence conducting and recording the results of annual inspections of the pressure tanks and ground storage tank; and</li> <li>g. Provide the ground storage tank with a water level indicator.</li> </ul> <p>2. Within 45 days, submit written, notarized certification to demonstrate compliance with the above Ordering Provisions.</p> <p>3. Within 90 days:</p> <ul style="list-style-type: none"> <li>a. Provide a pressure tank capacity of 20 gallons per connection; and</li> <li>b. Provide two or more pumps with a total rated capacity of 2.0 gallons per minute per connection.</li> </ul> <p>4. Within 105 days, submit written, notarized certification to demonstrate compliance with the above Ordering Provisions.</p>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to test the chlorine residual on water collected from various locations within the distribution system using a test kit which employs an N,N-diethyl-p-phenylenediamine ("DPD") indicator [30 TEX. ADMIN. CODE § 290.110(d)(3)(C)(ii) (Now 30 TEX. ADMIN. CODE § 290.110(d)(1)(C))].</p> <p>6. Failed to keep on file and make available for Commission review a record of operations for the previous two years and disinfectant residual monitoring results from the distribution system for the previous three years [30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and 290.46(f)(3)(B)(iii)].</p> <p>7. Failed to inspect the pressure tank and ground storage tank at least annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>8. Failed to equip the ground storage tank with a water level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>9. Failed to comply with Ordering provisions 2.a. through 2.d. and 2.f. through 2.g. of TCEQ Administrative Order Docket No. 2000-0422-PWS-E [TEX. WATER CODE § 7.101].</p> <p>10. Failed to pay all public health service fees (account no. 90130058) for calendar years 1996 through 2005 [30 TEX. ADMIN. CODE § 290.51(a)(3), TEX. WATER CODE § 5.702 and TCEQ Agreed Order 2000-0422-PWS-E, Ordering Provision 2.b.iv.].</p>		



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

<b>DATES</b>	<b>Assigned</b>	18-Jan-2005	<b>Screening</b>	18-Feb-2005	<b>Priority Due</b>	19-Mar-2005	<b>EPA Due</b>	04-Aug-2005
	<b>PCW</b>	10-Feb-2005						

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Trudy J. Gillem dba Country Villa Mobile Home Park		
<b>Reg. Ent. Ref. No.</b>	RN101441764		
<b>Additional ID No(s)</b>	Public Water Supply No. 0130058		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor Source

## CASE INFORMATION

<b>Enf./Case ID No.</b>	24392	<b>No. of Violations</b>	10
<b>Docket No.</b>	2005-0201-PWS-E	<b>Order Type</b>	Findings
<b>Case Priority</b>	2 (SNC/HPV)	<b>Enf. Coordinator</b>	Rebecca Clausewitz
<b>Media Program(s)</b>	Public Water Supply	<b>EC's Team</b>	Enforcement Team 2
<b>Multi-Media</b>			
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

## TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$3,100

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 26% Enhancement Subtotals 2, 3, &amp; 7 \$806

Notes

The Respondent received one agreed order within the past five years and three NOV's for violations that are not the same or similar to the violations that are addressed in this enforcement action.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes

The Respondent is not yet in compliance.

Economic Benefit

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts	\$1,576
Approx. Cost of Compliance	\$3,575

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal \$3,906

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$3,906

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$3,906

## DEFERRAL

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended because this is not an expedited case.

## PAYABLE PENALTY

\$3,906

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number**

1

**Primary Rule Cite(s)**

30 Tex. Admin Code § 290.46(e)

**Secondary Rule Cite(s)**

Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.a

**Violation Description**

Failed to operate the system under the direct supervision of a competent water works operator holding a Grade "D" or higher operator's license.

**Base Penalty**

\$1,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
Matrix Notes				
The integrity of the water system may be compromised without the proper supervision of a certified operator holding a valid certificate.				

**Adjustment** -\$750**Base Penalty Subtotal**

\$250

**Violation Events****Number of Violation Events**

9

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty**

\$2,250

Nine quarterly events are recommended based on calculating the penalty from the effective date of Agreed Order No. 2000-0422-PWS-E (December 9, 2002) to the screening date of February 1, 2005. Quarterly events are recommended to make the penalty commensurate with the situation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount**

\$30

**Violation Final Penalty Total**

\$2,835

**This violation Final Assessed Penalty (adjusted for limits)**

\$2,835

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 2**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(F)(iii)**Secondary Rule Cite(s)** Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.g**Violation Description**

Failed to provide two or more service pumps with a total rated capacity capacity of 2.0 gallons per minute per connection. Specifically, during the investigation, it was documented that the water system had only one service pump with a rated capacity of 50 gpm. Based on the number of connections, the water system is required to provide two or more service pumps with a total rated capacity 60 gpm.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**

Inadequate service pump capacity (16% deficient) could result in water outages and back flow problems and may allow an insignificant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

**Adjustment** -\$950**Base Penalty Subtotal** \$50**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$50

One single event is recommended based on documentation of the violation during the October 4, 2004 investigation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$662**Violation Final Penalty Total** \$63**This violation Final Assessed Penalty (adjusted for limits)** \$63

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 3**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(F)(iv)**Secondary Rule Cite(s)** Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.g**Violation Description**

Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, during the investigation, it was documented that the total pressure tank capacity provided was 526 gallons. Based on the number of connections, the water system is required to provide a total pressure tank capacity of at least 600 gallons.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes	Inadequate pressure tank capacity (12% deficient) could result in water outages and back flow problems and may allow an insignificant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.				

**Adjustment** -\$950**Base Penalty Subtotal** \$50**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$50

One single event is recommended based on documentation of the violation during the October 4, 2004 investigation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$662**Violation Final Penalty Total** \$63**This violation Final Assessed Penalty (adjusted for limits)** \$63

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 4**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(N)**Secondary Rule Cite(s)** Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.b.ii**Violation Description** Failed to provide a flow meter on the well pump discharge line.**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix****Harm**

<b>Release</b>	Major	Moderate	Minor	
Actual				
Potential			X	<b>Percent</b> 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
				<b>Percent</b>

**Matrix Notes**

Failure to provide a flow meter can contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

**Adjustment** -\$950**Base Penalty Subtotal** \$50**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$50

One single event is recommended based on documentation of the violation during the October 4, 2004 investigation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$31**Violation Final Penalty Total** \$63**This violation Final Assessed Penalty (adjusted for limits)** \$63



**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 5**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.110(d)(3)(C)(ii)**Secondary Rule Cite(s)****Violation Description**

Failed to test the chlorine residual on water collected from various locations within the distribution system using a test kit which employs a diethyl-p-phenylenediamine (DPD) indicator. Specifically, during the investigation it was documented that the water operator was using an orthotolidine test kit to test the chlorine residual.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix****Harm**

<b>Release</b>	Major	Moderate	Minor	
Actual				
Potential		x		<b>Percent</b> 10%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
<b>Matrix Notes</b>	Failing to test the chlorine residual in the distribution system with a proper chlorine test kit may allow a significant amount of undetected contaminants which would not exceed levels that are protective of human health enter be distributed for human consumption.				

**Adjustment** -\$900**Base Penalty Subtotal** \$100**Violation Events****Number of Violation Events** 2

	daily	
	monthly	
mark only one	quarterly	x
use a small x	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$200

Two quarterly events are recommended based on documentation of the violation during the October 4, 2004 investigation to the screening date of February 1, 2005.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$61**Violation Final Penalty Total** \$252**This violation Final Assessed Penalty (adjusted for limits)** \$252

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 6**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.46(f)(3)(A) and (B)(iii)**Secondary Rule Cite(s)****Violation Description**

Failed to keep on file and make available for Commission review a record of operations for the previous two years and disinfectant residual monitoring results from the distribution system for the previous three years.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

**Percent**>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	X		

**Percent** 10%**Matrix Notes**

The Respondent failed to comply with 100 percent of this rule.

**Adjustment** -\$900**Base Penalty Subtotal** \$100**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

One single event is recommended based on documentation of the violation during the October 4, 2004 investigation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$6**Violation Final Penalty Total** \$126**This violation Final Assessed Penalty (adjusted for limits)** \$126

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 7**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.46(m)(1)**Secondary Rule Cite(s)****Violation Description**

Failed to inspect the pressure tank and ground storage tank (GST) at least annually.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Complete failure to perform annual inspections on the pressure tank could result in non-detection of a tank defect which could result in a loss of tank integrity compromising the system's ability to supply water which could result in a significant amount of contaminants exceeding levels that are protective of human health being distributed for human consumption.

**Adjustment** -\$750**Base Penalty Subtotal** \$250**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

**Violation Base Penalty** \$250

One annual event is recommended for failing to inspect the pressure tank 12 months preceding the investigation date of October 4, 2004.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$121**Violation Final Penalty Total** \$315**This violation Final Assessed Penalty (adjusted for limits)** \$315

<b>Screening Date</b>	18-Feb-2005	<b>Docket No.</b>	2005-0201-PWS-E	<b>PCW</b>
<b>Respondent</b>	Trudy J. Gillem dba Country Villa Mobile Home Park			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	24392			<i>PCW Revision December 10, 2004</i>
<b>Reg. Ent. Reference No.</b>	RN101441764			
<b>Additional ID No(s).</b>	Public Water Supply No. 0130058			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Rebecca Clausewitz			
<b>Violation Number</b>	<input type="text" value="8"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin Code § 290.43(c)(4)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failed to equip the GST with a water level indicator located at the tank site."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

>> **Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Matrix Notes</b>	<input type="text" value="Failure to have a proper water level indicator on the GST can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply."/>					

**Adjustment** **Base Penalty Subtotal** **Violation Events****Number of Violation Events** 

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="X"/>

**Violation Base Penalty** 

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 9**Primary Rule Cite(s)** Tex. Water Code § 7.101**Secondary Rule Cite(s)****Violation Description**

Failed to comply with Ordering Provisions 2.a-d and 2.f-g from TCEQ Administrative Order Docket No. 2000-0422-PWS-E. Specifically, the Respondent failed to operate the system under the direct supervision of an operator with a Class "D" license, adopt a plumbing ordinance or service agreement, provide a flow meter on the discharge of well number one, install all water system wiring in a securely-mounted conduit, pay all outstanding Public Health Service fees, submit a study to address the pump, storage, and well capacity deficiencies of the water system, implement measures to address all capacity deficiencies, seal or repair the deteriorated wells, and certify compliance with all required corrective measures.

**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			

**Matrix Notes** The Respondent failed to comply with 100 percent of this rule.**Adjustment** -\$900**Base Penalty Subtotal** \$100**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

One single event is recommended based on documentation of the violation during the October 4, 2004 investigation.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$0**Violation Final Penalty Total** \$126**This violation Final Assessed Penalty (adjusted for limits)** \$126

**Screening Date** 18-Feb-2005**Docket No.** 2005-0201-PWS-E**PCW****Respondent** Trudy J. Gillem dba Country Villa Mobile Home Park

Policy Revision 2 (September 2002)

**Case ID No.** 24392

PCW Revision December 10, 2004

**Reg. Ent. Reference No.** RN101441764**Additional ID No(s).** Public Water Supply No. 0130058**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 10**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.51(a)(3)**Secondary Rule Cite(s)** Tex. Water Code § 5.702 and Agreed Order No. 2000-0422-PWS-E,  
Ordering Provision 2.b.iv**Violation Description** Failed to pay public health service fee (account no. 90130058) for  
calendar years 1996 through 2005.**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

**Adjustment** -\$1,000**Base Penalty Subtotal** \$0**Violation Events****Number of Violation Events**

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$0No penalty is recommended because penalty and interest will be  
assessed at next billing.**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$0**Violation Final Penalty Total** \$0**This violation Final Assessed Penalty (adjusted for limits)** \$0

## COMPLIANCE HISTORY

**\*\*For Penalty Calculation Purposes Only\*\***

Customer/Respondent/Owner-Operator:	CN600748586 Trudy J. Gillem	Classification: Average Rating: N/A
Regulated Entity:	RN101441764 Country Villa Mobile Home Park	Classification: Average Site Rating: N/A
ID Numbers:	Public Water System/Supply	Registration 0130058
Location:	Located on the North side of Hwy 202, approximately 3 miles East of Beeville, TX Bee County 78104	Rating Date: N/A Repeat Violator: No
TCEQ Region:	Region 14 - Corpus Christi	
Agency Decision Requiring Compliance History:	Enforcement	
Date Compliance History Prepared:	January 20, 2005	
Compliance Period:	January 20, 2000 through January 20, 2005	

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Sandy VanCleave Phone: (512) 239-0667

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (multimedia) for the Site:

- A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government
- Effective Date: 12/12/02 ADMINORDER 2000-0422-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)[G]
- Description: Failure to provide a certified operator.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(b)  
30 TAC Chapter 290, SubChapter F 290.109(c)(2)[G]
- Description: Failure to submit the required number of repeat bacteriological samples for the month of March, 1999
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.103(8)  
30 TAC Chapter 290, SubChapter F 290.106(c)[G]  
30 TAC Chapter 290, SubChapter F 290.109(g)[G]  
30 TAC Chapter 290, SubChapter F 290.122[G]
- Description: Failure to report the monitoring violation to the Commission within 10 days after the system discovered the violation and notify the public.
- Classification: Moderate

Date: 12/30/2003

Self Report? NO

Citation : 30 TAC § 290.109(e) Classification:

Moderate

Description: Failure to report chemical monitoring.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TRUDY J. GILLEM DBA  
COUNTRY VILLA MOBILE HOME  
PARK;  
RN101441764

§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2005-0201-PWS -E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Trudy J. Gillem dba Country Villa Mobile Home Park ("Ms. Gillem") under the authority of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Gillem present this agreement to the Commission.

Ms. Gillem understands that she has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Ms. Gillem agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Ms. Gillem.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Ms. Gillem owns and operates a mobile home park with a public water system located on the North side of Highway 202, approximately 3 miles east of Beeville, Beeville County, Texas (the "Facility").

2. The Facility has thirty (30) service connections and serves at least 25 people per day for at least 60 days per year.
3. During an investigation conducted on October 4, 2004, a TCEQ Corpus Christi Regional Office investigator documented that Ms. Gillem:
  - a. Failed to operate the system under the direct supervision of a competent water works operator holding a Grade "D" or higher operator's license;
  - b. Failed to provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection. Specifically, during the investigation, it was documented that the water system had only one service pump with a rated capacity of 50 gallons per minute. Based on the number of connections, the water system is required to provide two or more service pumps with a total rated capacity of 60 gallons per minute;
  - c. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, during the investigation, it was documented that the total pressure tank capacity provided was 526 gallons. Based on the number of connections, the water system is required to provide a total pressure tank capacity of at least 600 gallons;
  - d. Failed to provide a flow meter on the well pump discharge line;
  - e. Failed to test the chlorine residual on water collected from various locations within the distribution system using a test kit which employs an N,N-diethyl-p-phenylenediamine ("DPD") indicator. Specifically, during the investigation it was documented that the water operator was using an orthotolidine test kit to test the chlorine residual;
  - f. Failed to keep on file and make available for Commission review a record of operations for the previous two years and disinfectant residual monitoring results from the distribution system for the previous three years;
  - g. Failed to inspect the pressure tank and ground storage tank at least annually;
  - h. Failed to equip the ground storage tank with a water level indicator located at the tank site;
  - i. Failed to comply with Ordering Provisions 2.a. through 2.d. and 2.f. through 2.g. from TCEQ Administrative Order Docket No. 2000-0422-PWS-E; and
  - j. Failed to pay all public health service fees (account no. 90130058) for calendar years 1996 through 2005.

4. Ms. Gillem received notice of the violations on or about October 31, 2004.

### CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Ms. Gillem is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a, Ms. Gillem failed to operate the system under the direct supervision of a competent water works operator holding a Grade "D" or higher operator's license, in violation of 30 TEX. ADMIN. CODE § 290.46(e) and Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.a.
3. As evidenced by Findings of Fact No. 3.b, Ms. Gillem failed to provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii) and Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.g.
4. As evidenced by Findings of Fact No. 3.c, Ms. Gillem failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.g.
5. As evidenced by Findings of Fact No. 3.d, Ms. Gillem failed to provide a flow meter on the well pump discharge line, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N) and Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.b.ii.
6. As evidenced by Findings of Fact No. 3.e, Ms. Gillem failed to test the chlorine residual on water collected from various locations within the distribution system using a test kit which employs a DPD indicator, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(3)(C)(ii) [Now 30 TEX. ADMIN. CODE § 290.110(d)(1)(C)].
7. As evidenced by Findings of Fact No. 3.f, Ms. Gillem failed to keep on file and make available for Commission review a record of operations for the previous two years and disinfectant residual monitoring results from the distribution system for the previous three years, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and 290.46(f)(3)(B)(iii).
8. As evidenced by Findings of Fact No. 3.g, Ms. Gillem failed to inspect the pressure tank and ground storage tank at least annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1).
9. As evidenced by Findings of Fact No. 3.h, Ms. Gillem failed to equip the ground storage tank with a water level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).

10. As evidenced by Findings of Fact No. 3.i, Ms. Gillem failed to comply with Ordering Provisions 2.a through 2.d. and 2.f through 2.g. from TCEQ Administrative Order Docket No. 2000-0422-PWS-E, in violation of TEX. WATER CODE § 7.101.
11. As evidenced by Findings of Fact No. 3.j, Ms. Gillem failed to pay all public health service fees (account no. 90130058) for calendar years 1996 through 2005, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3), TEX. WATER CODE § 5.702 and Agreed Order No. 2000-0422-PWS-E, Ordering Provision 2.b.iv.
12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Ms. Gillem for violations of the Texas Water Code and Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of three thousand nine hundred six dollars (\$3,906.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Ms. Gillem has paid one hundred twenty-six dollars (\$126.00) of the administrative penalty. The remaining amount of three thousand seven hundred eight dollars (\$3,708.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of one hundred eight dollars (\$108.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Ms. Gillem fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Ms. Gillem to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Gillem to timely and satisfactorily comply with all of the terms of this Agreed Order.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Gillem is assessed an administrative penalty in the amount of three thousand nine hundred six dollars (\$3,906.00) for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Ms. Gillem's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on

Environmental Quality" and shall be sent with the notation "Re: Trudy J. Gillem dba Country Villa Mobile Home Park; Docket No. 2005-0201-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Ms. Gillem shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Commission order, Ms. Gillem shall:

- i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46;
- ii. Commence conducting and recording the results of disinfectant residual tests taken at representative locations in the distribution system using a test kit which employs a DPD indicator, as required by 30 TEX. ADMIN. CODE § 290.110;
- iii. Submit payment for all outstanding fees and for the outstanding balance of Administrative Agreed Order, Docket No. 2000-0422-PWS-E, including any associated penalties and interest, with the notation, "Trudy Gillem dba Country Villa Mobile Home Park, TCEQ FA Account No. 90130058" to :

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

with a copy to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- iv. Provide a flow meter for the well pump discharge line, as required by 30 TEX. ADMIN. CODE § 290.41(c)(3)(N);

- v. Begin maintaining a record of operations for the water system and records of disinfectant residual monitoring results, as required by 30 TEX. ADMIN. CODE § 290.46;
  - vi. Commence conducting and recording the results of annual inspections of the pressure tanks and ground storage tank, as required by 30 TEX. ADMIN. CODE § 290.46; and
  - vii. Provide the ground storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43.
- b. Within 45 days after the effective date of this Commission order, Ms. Gillem shall submit written certification as described in Ordering Provision 2.e. below, and shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
- c. Within 90 days after the effective date of this Commission order, Ms. Gillem shall:
- i. Provide a pressure tank capacity of 20 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
  - ii. Provide two or more pumps with a total rated capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
- d. Within 105 days after the effective date of this Commission order, Ms. Gillem shall submit written certification as described in Ordering Provision 2.e. below, and shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. All documentation required by these Ordering Provisions shall be certified. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Ms. Gillem shall submit copies of all documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Mr. David Kennebeck, Water Section Manager  
Texas Commission on Environmental Quality  
Corpus Christi Regional Office  
NRC Building, Suite 1200  
6300 Ocean Drive, Unit 5839  
Corpus Christi, Texas 78412-5839

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Gillem. Ms. Gillem is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Gillem shall be made in writing to the Executive Director. Extensions are not effective until Ms. Gillem receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Gillem if the Executive Director determines that Ms. Gillem has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Gillem in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Ms. Gillem, or three days after the date on which the Commission mails notice of the Order to Ms. Gillem, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



Trudy J. Gillem dba Country Villa Mobile Home Park  
DOCKET NO. 2005-0201-PWS-E  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

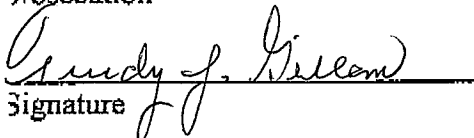
8/22/08  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

  
Signature

8/17/08  
Date

TRUDY J. Gillem  
Name (Printed or typed)  
Trudy J. Gillem

Owner  
Title